



PATENT
Attorney Docket **054160-5060-US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Tsuneji SUZUKI *et al.*) Group Art Unit: **1615**
Application No. **10/049,666**) Examiner: **Amy E. Pulliam**
Filed: **February 15, 2002**)
For: **Pharmaceutical Agent Comprising**)
 a Benzamide Derivative as Active)
 Ingredient)

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

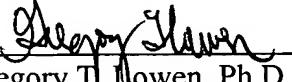
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated December 30, 2003, of the Examiner finally rejecting claims 32 to 38.

The Commissioner is hereby authorized to charge **\$330.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **June 30, 2004**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-739-3000
Fax: 202-739-3001

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Gregory T. Bowen, Ph.D.
Registration No. 46,882
Tel: 202-739-5915

07/02/2004 AWONDAF1 00000134 500310 10049666

01 FC:1401 330.00 DA